

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
YUK SHUN TANG,

Plaintiff,

- v -

VOLVO CAR CORPORATION, et al.,

Defendants.
-----X

ORDER

CV-06-4752 (CPS)(VVP)

Three matters require rulings by the court.

First, in an order dated August 9, 2007, the court granted the plaintiff's request for an award of attorneys' fees and costs associated with its letter motion dated July 16, 2007, and directed the plaintiff to provide information and contemporaneous billing records detailing the fees and costs incurred. The order further permitted the defendant the opportunity to challenge the reasonableness of the fees. By letter dated August 14, 2007, the plaintiff has provided the required information, to which the defendant has responded by letter dated August 17, 2007.

Upon review of those submissions the court finds that the plaintiff is entitled to reimbursement for the fees incurred for 1.6 hours of counsel's time in preparing the motion. The court declines to make an award for the 0.5 hours of time related to file review as that appears to be time that would have been incurred regardless of the defendant's failure to provide the discovery ordered by the court which gave rise to the motion. The hourly rate of \$250 is reasonable. The court rejects the defendant's argument that the time is excessive as the plaintiff was required not only to draft the letter, but also to substantiate his assertions about the defendant's unmet discovery obligations by reviewing the transcript of the hearing where the orders violated by the defendant were entered. The arguments that the billing records are not contemporaneous and that they relate in part to a letter motion dated July 13 (of which the court has no record) are supported only by conjecture and are likewise rejected. Accordingly, the defendant is directed to pay to the plaintiff \$400 to cover the attorneys' fees incurred to obtain the defendant's compliance with the court's discovery orders. Payment is to be made within ten days.

Second, by letter motion dated August 14, 2007, unopposed by the defendant, the plaintiff has moved to amend the caption in the action to reflect the change in his name which has been certified by this court. The motion is granted and the caption hereinafter shall reflect the plaintiff's name as "Jason Yuk Shun Tang." The clerk is directed to correct the docket accordingly.

Finally, by letter motion dated August 17, 2007, unopposed by the plaintiff, the defendant seeks a ten-day extension of time for compliance with the court's August 9, 2007 discovery order. That application is granted.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
August 17, 2007